

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THOMAS J. SICALIDES
T&T TRANSPORTATION
MICHAELS, INC.
MILLENNIUM, INC.

vs.

HARTFORD CASUALTY INSURANCE COMPANY :

CIVIL ACTION NO.
02-CV-2937 (CN)

ORDER

AND NOW, this _____ day of _____, 2002, upon consideration of defendant's motion to compel plaintiffs to provide full and complete answers to defendant's interrogatories and fully respond to defendant's request for production of documents, it is hereby ORDERED that defendant's motion is GRANTED; and that within seven (7) days from the date of this Order, plaintiffs shall provide full and complete answers to defendant's interrogatories and produce the documents requested in defendant's request for production of documents.

BY THE COURT:

J.

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**DEFENDANT'S MOTION TO COMPEL PLAINTIFFS TO PROVIDE
ANSWERS TO INTERROGATORIES AND PRODUCE REQUESTED DOCUMENTS**

Defendant, Hartford Casualty Insurance Company ("Hartford"), through its attorneys, Duffy & Keenan, herein move for an Order compelling plaintiffs to answer defendant's interrogatories and respond to defendant's request for production of documents, and in support thereof, state as follows:

1. Plaintiffs commenced this action against Hartford on or about January 3, 2002.
2. On June 4, 2002, Hartford served plaintiffs with its self-executing disclosure statement pursuant to Section 4:01 of the Expense and Delay Reduction Plan for the United States District Court for the Eastern District of Pennsylvania.
3. On June 4, 2002, Hartford also served each of the plaintiffs with a set of interrogatories and a request for production of documents, true and correct copies of which are attached hereto and marked as Exhibits "A" through "E".
4. To date, plaintiffs have failed to answer defendant's interrogatories to respond to defendant's request for production of documents.

5. Hartford has made a good faith basis to resolve this discovery dispute.

6. On July 2, 2002, defendant's counsel wrote to plaintiffs' counsel requesting answers to Hartford's interrogatories and request for production of documents. A true and correct copy of Hartford's counsel's letter to plaintiff's counsel is attached hereto as Exhibit "F".

7. In response to the aforementioned letter, plaintiffs' counsel advised Hartford's counsel that she intended to respond to Hartford's written discovery requests after she amended the complaint. However, to date, plaintiffs' counsel has not amended the complaint, moved to amend the complaint, nor responded to Hartford's discovery requests.

8. In order to properly assess this matter for settlement purposes and prepare for trial, Hartford requires plaintiffs to immediately answer its interrogatories and produce the requested documents.

9. Therefore, Hartford respectfully request that this Honorable Court compel plaintiffs to answer defendant's interrogatories and produce the requested documents within seven (7) days.

WHEREFORE, defendant, Hartford Casualty Insurance Company, respectfully requests that this Honorable Court grant the relief in the proposed Order.

Respectfully submitted,

DUFFY & KEENAN

BY: _____

PATRICK J. KEENAN, ESQUIRE
Attorney for Defendant, Hartford
Casualty Insurance Company
The Curtis Center, Suite 1150
Independence Square West
Philadelphia, Pa 19106
215.238.8700

Date: July 23, 2002

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**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S
MOTION TO COMPEL PLAINTIFFS TO PROVIDE ANSWERS
TO INTERROGATORIES AND PRODUCE REQUESTED DOCUMENTS**

Defendant, Hartford Casualty Insurance Company ("Hartford"), incorporates by reference the facts set forth in its motion to compel plaintiffs to answer interrogatories and produce requested documents. In essence, Hartford served each of the plaintiffs with a set of interrogatories and a request for production of documents on June 4, 2002, and plaintiffs have failed to provide any discovery despite a written followup request that plaintiffs do so.

Federal Rule of Civil Procedure 33 provides for the serving of interrogatories upon an opposing party, and Rule 34 provides for the serving of a request for production of documents upon an opposing party. Plaintiffs have failed to comply with their obligations to answer defendant's interrogatories and produce the requested documents. Fed. R.Civ.P. 37(a)(2)(B) permits the court to compel the plaintiffs to provide the requested discovery.

It is therefore respectfully requested that this Honorable Court enter an Order compelling plaintiffs to fully and completely answer defendant's interrogatories and produce the documents

requested in defendant's request for production of documents within seven (7) days. Absent this relief, Hartford will be severally prejudiced in its ability to defend this action.

Respectfully submitted,

DUFFY & KEENAN

BY: _____
PATRICK J. KEENAN, ESQUIRE
Attorney for Defendant

Date: July 23, 2002

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CERTIFICATION

I, Patrick J. Keenan, Esquire, counsel for defendant in the above captioned matter, herein certify that I made a good faith effort to resolve the discovery dispute which is the subject of this motion. On July 2, 2002, I wrote to plaintiffs' counsel and requested that they provide the written discovery. Plaintiffs' counsel responded by advising me that she did not intend to provide the written discovery until after plaintiffs amend their complaint, but plaintiffs have not amended their complaint, moved to amend their complaint, nor provided the written discovery.

DUFFY & KEENAN

BY: _____

PATRICK J. KEENAN, ESQUIRE
Attorney for Defendant, Hartford
Casualty Insurance Company
The Curtis Center, Suite 1150
Independence Square West
Philadelphia, Pa 19106
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Date: July 23, 2002

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CERTIFICATE OF SERVICE

I, the undersigned hereby certify that on July 23, 2002, I sent a true and correct copy of Defendant, Hartford Casualty Insurance Company's Motion to Compel, by U.S. mail, to the following:

Robin Gray, Esquire
P.O. Box 4322
Reading, PA 19606

DUFFY & KEENAN

BY:

PATRICK J. KEENAN, ESQUIRE
Attorney for Defendant, Hartford
Casualty Insurance Company
The Curtis Center, Suite 1150
Independence Square West
Philadelphia, Pa 19106
215.238.8700